

18-11-01 Federal Student Aid Application File

(64 FR 30159-30161, corrected by 65 FR 11294-11295)

June 4, 1999 / March 2, 2000

18-11-01

SYSTEM NAME:

Federal Student Aid Application File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Application & Pell Processing Systems Division, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh and D Streets, SW., Room 4621, ROB-3, Washington, DC 20202-5459. Federal Student Aid Application Processing Center, Iowa City, IA 52240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on students applying for Federal student financial assistance under Title IV of the Higher Education Act of 1965 (HEA).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of the name, address, birth date, Social Security number, parents' and students' personal identification numbers assigned by the Department, and financial data necessary to identify applicants, verify applicant data, and calculate their expected family contributions for Federal student financial assistance. In addition, information on the student's prior Pell Grant awards and student loan status from the National Student Loan Data System (NSLDS) database is maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV of the Higher Education Act of 1965, as amended.

PURPOSE(S):

Information contained in this system is maintained for the purposes of: (1) Determining an applicant's eligibility for the Federal student financial assistance programs authorized by title IV of the HEA; (2) Maintaining a record of the data supplied by those requesting assistance; (3) Documenting the results of an applicant's need analysis and Pell Grant eligibility; (4) Reporting the results of the need analysis and Pell Grant eligibility determination to applicants, postsecondary institutions, and State agencies designated by the applicant, and to other Departmental and investigative components for use in operating and evaluating the title IV, HEA programs and in the imposition of criminal, civil or administrative sanctions; and (5) Acting as a repository and source for information necessary to fulfill the requirements of title IV of the HEA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

(1) Disclosure to institutions of postsecondary education. The Department may disclose identifying information, financial data, and expected family contributions of applicants to those institutions of postsecondary education (or their designated agents) in which the applicants plan to enroll or are enrolled. Disclosure of such information is made only to postsecondary institutions that are listed by the applicant on the Federal Student Aid Application file.

(2) Disclosure to State agencies. The Department may disclose the data described in paragraph (1) to State agencies having agreements with the Secretary for purposes of coordinating student aid.

(3) Disclosure to parents and spouses. The Department, upon request, may disclose information that is provided by parents or spouses on the application form to those individuals.

(4) Disclosure for Use by Other Law Enforcement Agencies. The Department may disclose information to any Federal, State, local, or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility within the receiving entity's jurisdiction.

(5) Enforcement Disclosure. In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(6) Litigation and Alternative Dispute Resolution (ADR) Disclosures.

(a) Introduction. In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

- (i) The Department of Education, or any component of the Department; or
- (ii) Any Department employee in his or her official capacity; or
- (iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;
- (iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or
- (v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) Disclosure to the DOJ. If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) Administrative Disclosures. If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) Parties, counsels, representatives and witnesses. If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

(7) Freedom of Information Act (FOIA) Advice Disclosure. The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(8) Contract Disclosure. If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(9) Congressional Member Disclosure. The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(10) Employment, Benefit, and Contracting Disclosure.

(a) For Decisions by the Department. The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) For Decisions by Other Public Agencies and Professional Organizations. The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(11) Employee Grievance, Complaint or Conduct Disclosure. The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(12) Labor Organization Disclosure. A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(13) Disclosure to the Department of Justice (DOJ). The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(14) Research Disclosure. The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to maintain Privacy Act safeguards with respect to the disclosed records.

(15) Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support. The Department may disclose records to OMB as necessary to fulfill CRA requirements.

(16) Disclosures to third parties through computer matching programs. Any information from this system of records, including personal information obtained from other agencies through computer matching programs, may be disclosed to any third party through a computer matching program in connection with an individual's application or participation in any grant or loan program administered by the U.S. Department of Education. Purposes of these disclosures may be to determine program eligibility and benefits, enforce the conditions and terms of the loan or grant, permit the servicing and collecting of the loan or grant, counsel the individual in repayment efforts, investigate possible fraud and verify compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original applications are maintained in standard Federal Records Center boxes in locked storage rooms within the facility of the Application for Federal Student Aid Processor. Computerized applicant records are maintained on magnetic tape reels, cartridges and hard disks in the computer facility and locked storage rooms within the Federal Student Aid Application Central Processing Center. Microfiche records maintained in the Washington, DC office are locked in standard file cabinets.

RETRIEVABILITY:

Records are indexed by Social Security number and the first two letters of the applicant's last name.

SAFEGUARDS:

Records are available to staff of the Student Financial Assistance Programs (including appropriate contract support staff). The Department will mail an Electronic Access Code (EAC) directly to certain students who have used the World Wide Web to electronically file a Free Application for Federal Student Aid (FAFSA). The student uses the EAC to complete their renewal Free Application for Federal Student Aid (FAFSA) via the Internet. Physical access to the data systems housed within the facility is controlled by a computerized badge reading system, and the entire complex is patrolled by security personnel during nonbusiness hours. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. Multiple levels of security are maintained within the computer system control program. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

RETENTION AND DISPOSAL:

Original records are maintained and stored in a Federal Records Center. Grant aid records are kept for a period not to exceed fifteen years after payment or audit of the grantee, whichever comes sooner; and loan records are kept three years after cancellation or repayment of a loan, in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Application & Pell Processing Systems Division, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4621, ROB-3, Washington, DC 20202-5459.

NOTIFICATION PROCEDURE:

A copy of the applicant's record, known as the Student Aid Report, is mailed to the applicant's home address after the application information has been processed. If you wish to determine whether a record exists regarding you in the system of records, contact the system manager and provide you name, date of birth, and Social Security number or call 1-800-4-FED-AID (1-800-433-3243) and give the same information. Requests for notification about whether the system of records contains information about an individual must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record in this system, contact the system manager and provide information as described in the Notification Procedure. Requests by an individual for access to a record must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to change the content of a record in the system of records (for the current Free Application for Federal Student Aid (FAFSA)), contact the system manager with the information described in the Notification Procedure, identify the specific items to be changed, and provide a justification for the change. Requests to amend a record must meet the requirements of regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Applicants for Federal student financial aid provide the information used in this system by filing a Free Application for Federal Student Aid (FAFSA) with the Department of Education. (For students who have access to the Internet, the Free Application for Federal Student Aid (FAFSA) is available on the world wide web (located at www.fafsa.ed.gov). Although students using the web site are required to send in a paper signature page and students must update their information each year, applying electronically using the Internet is less burdensome than applying on paper.)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.